

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated May 19, 2006 and the decision of the Board of Appeals, decided on February 5, 2010, and, thus, the application is in condition for allowance.

By this reply, claim 21 is amended. Claims 21-40 remain pending, with claims 31-40 withdrawn from consideration. Claims 21-39 are under examination. Of these, claim 21 is independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 21 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey (2002/0102993). It is asserted that Hendrey discloses a method with all of the features of the present invention as recited in the pending claims, but for disclosing that the advertisements are sent when the user's location is stable. It is further asserted that this feature would have been obvious to one having ordinary skill in the art at the time of the invention in light of Hendrey. Applicant respectfully traverses.

With respect to independent claim 21, neither Hendrey nor any other reference, alone or in combination, anticipate or obviate the present invention as recited in the pending claim. Hendrey suffers from a number of shortcomings when used as a reference against this application. For example, Hendrey fails to teach, among other things, wherein the user enters a code on the wireless communication device to activate and deactivate an identity-blocking option, the identity-blocking option to allow or prevent dissemination of an identity of the user to the content provider. This feature is present in the independent claim and is disclosed, for instance, in paragraph [0088] of the specification, as published. For instance, the present invention allows an individual to block personal information from being received by a third-party advertiser, such as a store. In this state, a location of the user may be given, but not the

identity of the user. However, while stores may wish to send offers to anyone using the system, stores may save special offers for customers who have shopped at the store before and the user's identity may be necessary to determine this. Therefore, for instance, when the user is in proximity to a store which the user wishes to receive a personal offer from, the user can enter a code on their cell phone and the user's identity is given to the store. The store can then determine the user is a prior customer and send the user special offers. The present invention provides the user with the ability to send their identity at a time of their choosing, with the ability to later block their identity. Hendrey does not allow for these features. Hendrey is directed to mobile telecommunications systems that have the ability to deliver advertisements to mobile units and determine a geographically precise location of mobile units in the mobile telecommunications system (Hendrey, Paragraph [0002]). According to the Board, Hendrey creates a tailored advertising message responsive to the prospect's location using a location-sensitive advertising content generation subsystem, and sends it to the prospect (Hendrey, Paragraph [0038]). However, there is absolutely no disclosure of allowing and disallowing the dissemination of the user's identity with a user input. The user is not able to enter a code, for example, when the user desires to receive a special offer from a store based upon the user's prior visits to the store. Similarly, the user is not able to again enter a code to block the user's identity from the store. Allowing and disallowing an identity of the user is not disclosed anywhere in Hendrey. This feature is simply not present. Thus, Hendrey does not disclose all of the features of the claimed invention. For at least these reasons, the rejection should be withdrawn.

Thus, Hendrey, alone or in combination, does not teach all of the elements in the independent claim. Hence, the dependent claims, which depend therefrom, are patentably

distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 22-25, and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey in view of Goldhaber (5,794,210). It is asserted that Hendrey discloses a method with all of the features of the present invention as recited in the pending claims, but for reciting not transmitting an indication of the identity of the user. It is further asserted that Goldhaber does disclose this deficiency and that the combination of the references would have been obvious to one of ordinary skill in the art. Applicant respectfully traverses.

With respect to independent claim 1, neither Hendrey nor Goldhaber, nor any other reference, alone or in combination, anticipate or obviate the present invention as recited in the pending claims. For instance, the references fail to disclose, among other things, wherein the user enters a code on the wireless communication device to activate and deactivate an identity-blocking option, the identity-blocking option to allow or prevent dissemination of an identity of the user to the content provider. As stated above, Hendrey lacks these features. Goldhaber cannot cure the deficiencies of Hendrey with respect to the independent claim. The Board states that Goldhaber is directed to delivering information electronically using techniques for delivering positively and negatively priced intellectual property and attention brokering, orthogonal sponsorship, and/or privacy protection in an electronic information delivery network (Goldhaber, Column 1, Lines 4-11). Nowhere does Goldhaber disclose using a wireless communication device to allow or disallow dissemination of an identity. Goldhaber does not provide for a situation where such a feature would be desirable. There is no location based information in Goldhaber, and thus the user would not desire a special offer when, for instance,

entering a store they previously purchased from. Such features are not even contemplated by Goldhaber. Thus, Goldhaber cannot cure the deficiencies of Hendrey. For at least this reason, the rejection should be withdrawn.

Thus, neither Hendrey nor Goldhaber, alone or in combination, teach all of the elements in the independent claim. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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/Fariborz Moazzam, Reg. No. 53,339/
Fariborz Moazzam
Reg. No. 53,339
Cust. No. 65,667

MOAZZAM & ASSOCIATES, LLC
7601 Lewinsville Road, Suite 304
McLean, Virginia 22102
(703) 442-9480 (direct); (703) 991-5978 (fax)